

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

LINDA D. SEKIYA,	)	Civ No. 04-00297 DAE/KSC
	)	
Plaintiff,	)	DECLARATION OF
	)	LINDA D. SEKIYA
vs.	)	
	)	
DONALD H. RUMSFELD,	)	
officially as secretary of Defense	)	
	)	
Agency.	)	
_____	)	

DECLARATION OF LINDA D. SEKIYA

I, LINDA D. SEKIYA, state that:

1. I am the Plaintiff in the above-referenced case.
2. I make this statement based upon my personal knowledge and information, and submit the same in support of Plaintiff's Memorandum In Opposition to the Defendant's motion for summary judgment.
3. From December 1999 through April 2003 I required the use of crutches in order to walk. I felt a shooting piercing pain emanating from my heel up into my ankle if I put weight on my right foot. Without the crutches I was unable to walk.

On or about mid-2002, after years of therapy and treatment I was able to walk short distances for about 15-20 minutes without the aid of crutches.

I still suffer from periodic discomfort and do not walk with a normal gait. I cannot stand on my right foot for more than twenty (20) or so minutes without having to rest my right foot. I continue to sleep with a

night splint on my right foot. To date, my right foot continues to cause me difficulty walking at times. I cannot run, jump, hop, climb or put undue stress on my right foot. My right leg atrophied (shrunk) and is weakened from lack of use for all of the years I was walking with the aid of crutches.

I am still unable to resume activities that I enjoyed prior to December 1999 such as golfing, walking, exercising, shopping, and traveling.

4. I found Supervisor Godfrey Ching's regular harassing statements to me in the workplace regarding my disability to be extreme and intimidating enough to force me to retire.

5. EEO Investigator Charlene E. Lee, investigated my complaint of forced retirement, as stated in her EEO Investigator's report on page 2: "...Recalculation of retirement for 3 years - complainant was not planning to retire for 3 years" and "...Complainant alleges she was discriminated against and pressured to retire because of her physical and mental disability." [See Pl's MIO, ex AA, pg 2] EEO Investigator Charlene E. Lee, also stated in my EEO initial intake complaint "...future recovery cost, retired 3 years earlier than anticipated due to stress (mental and physical)." [See Pl's MIO, ex BB, pg 2.]

6. EEO Investigator Charlene E. Lee, investigated my complaint of harassment, as stated in my Informal EEO Intake Information report on page 1: "allowed management to make humiliating remarks due to my physical handicap." [See Pl's MIO, ex BB, pg 1] EEO Investigator Charlene E. Lee, investigated my complaint of harassment, as stated in her Formal Complaint of Discrimination wherein she wrote, "...it was in the tone of harassment...My major complaint is that on numerous occasions my supervisor would always make the remark 'Just cut your leg off already!' I

did not appreciate that on bit! It was rude and unprofessional for a manager to make statements such as that. Other employees said it was totally uncalled for and highly unacceptable behavior.” [See Pl’s MIO, ex CC, pg 2]

7. The Letter of Requirement I was issued required me to “submit an acceptable medical certificate stating the nature and approximate duration of the illness for each sick leave absence.” [See Pl’s MIO, ex M, pg 1] This contradicts my collective bargaining agreement pg 8 which requires me to submit a medical certificate “if the sick leave exceeds three (3) consecutive workdays.” [See Def’s Reply, ex H, pg 5]

8. Supervisor Godfrey Ching’s regular harassing statements to me at work, in front of my co-workers, during work meetings made me feel completely physically humiliated and embarrassed at being singled out because I have a disability. Supervisor Godfrey Ching also asked me, “are you stupid?” and called me a “shit-head” mentally humiliating me making my working conditions and atmosphere intolerable. This treatment was sufficiently severe and extreme to compel me to retire after being advised to do so by my psychiatrist Dr. Mark H. Bernstein.

I, LINDA SEKIYA, do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, March 6, 2006.

  
LINDA SEKIYA